

(2013) 07 DEL CK 0517

Delhi High Court

Case No: Writ Petition (C) 4168 of 2012

Govt. of NCT of Delhi
and Others

APPELLANT

Vs

Sh. Vikas

RESPONDENT

Date of Decision: July 8, 2013

Hon'ble Judges: V. Kameswar Rao, J; Pradeep Nandrajog, J

Bench: Division Bench

Advocate: Ruchi Sindhwani, Ms. Megha and Ms. Bandana Shukla, for the Appellant;
Manpreet Kaur, for the Respondent

Final Decision: Allowed

Judgement

Pradeep Nandrajog, J.

It is not in dispute that pursuant to the direction issued by the Tribunal on September 01, 2010 deciding OA No. 2067/2010 a speaking order dated October 18, 2010 has been passed on the subject of respondent's entitlement to be granted appointment on compassionate grounds due to his father dying in harness on March 01, 2005. The speaking order takes note of the fact that on the death of the deceased the family received a sum of Rs. 10,37,548/- as death-cum-terminal benefits and a family pension of Rs. 4,200/- + dearness allowance was sanctioned.

2. We note that the current pension would be nearly double the amount + dearness allowance because of the fact that in the year 2008 with retrospective effect from January 01, 2006 6th Central Pay Commission's recommendations being implemented a quantum jump in pension and family pension took place.

3. The speaking order also takes note of the fact that as per the policy pertaining to compassionate appointment only 5% quota of posts which have to be filled by direct recruitment are to be reserved for appointment on compassionate grounds and that a claim needs to be considered maximum up to 3 times. The speaking order records that there being large number of claimants, each case was considered on its

merits and that the respondent could not be empanelled for appointment.

4. The Tribunal, vide impugned order dated November 17, 2011 has not faulted the view taken by the Screening Committee save and except with respect to limiting respondent's entitlement to be considered for compassionate appointment only three times.

5. It is trite that compassionate appointment is intended to provide employment to one dependent of the family of a deceased employee who dies all of a sudden in harness leaving the family in penury.

6. Thus, the finances with the family on the death of a Government servant would be a very relevant factor in determining who gets appointment on compassionate grounds.

7. A widowed wife having minor children to support with very meager family pension and meager death-cum-terminal dues paid due to the reason her husband died rendering few years' service would obviously be entitled to a preference over a claim made by a major son of a deceased employee because in the latter case, having rendered large number of years' service the family pension together with interest income which may accrue to the family due to death-cum-terminal benefits paid would be enough for the family to sale through.

8. As regards limiting entitlement for three years for being appointed on compassionate grounds we see reason in the policy. The reason being that if the family can sustain itself for three years it is obvious that the family can manage without additional resources.

9. The order dated October 18, 2010 records that a very large number of candidates had applied for appointment on compassionate grounds and that relative comparable hardship was seen in each case to draw up a panel of those who would be granted compassionate appointment.

10. The writ petition is allowed. Impugned decision dated November 17, 2011 passed by the Tribunal is set aside and OA No. 142/2011 is dismissed. No costs.